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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,505	10/11/2005	Lutz Brahmig	BRAHMIG ET AL 1 PCT	6748
25889	7590	05/06/2008		
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER SINHA, RITA K	
			ART UNIT 3611	PAPER NUMBER
			MAIL DATE 05/06/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,505	Applicant(s) BRAHMIG ET AL.	
	Examiner RITA K. SINHA	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/05/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/05/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendments made to the Drawings and Claims filed on 11/05/07 have been entered.

Response to Arguments

1. Applicant's arguments filed 11/05/2007 have been fully considered but they are not persuasive. Examiner addresses the Applicant's arguments below. Furthermore, Applicant's newly added claim 10 is also rejected.

Applicant's only argument is directed to the notion that Simson (5,517,778) "is suitable for only small posters and therefore cannot accommodate posters having a width of several meters". Applicant further explains that Jones (6,467,207) "can be used only with smaller posters because it has no deflection rolls" and that Simson et al. (6,247,256) has "deflection rolls in one piece and not divided or separated as recited in Applicant's claims". All of these arguments are directed to the notion that Applicant's invention is unique since it claims the usage of a large poster.

Examiner would like to point out that the usage of the term "large" by Applicant is completely subjective and arbitrary. Examiner reiterates that Simson and Jones disclose the structure as claimed by Applicant in Claim 1. Even if Applicant would have recited a specific width or length in claims to define the term "large", Examiner would like to point out that the usage of size in claims is a matter of design choice. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Simson et al. (5,953,840).

As per claim 10, Simson discloses a method for controlling a change in a rollable poster on a large-surface advertising device having an upper winding shaft (206) and a lower winding shaft (207) accommodating the rollable poster (banner, 2) by controlling the winding shafts comprising the steps of: winding the rollable poster in a winding direction; controlling speeds of rotation of the upper winding shaft and the lower winding shaft as a function of current diameters of the upper winding shaft and the lower winding shaft during the winding to form a freely hanging constant poster loop during the change in poster, independent of the winding direction (See Figure 7B); after a target position of the poster has been reached, winding the loop via a defined rewinding of the upper winding shaft or the lower winding shaft (See Column 8 Lines 50-60); and tensing or stretching the poster tight (See Column 9 Lines 6-17).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5, 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Simson (5,517,778) and further in view of Jones et al (6,467,207).

As per claim 1, Simson discloses a large-surface advertising device (banner display apparatus, 5) for a poster, having a housing (housing, 6), in which winding shafts (drive shafts, 15) to accommodate rollable posters (scroll, 12) in web form are disposed, whereby the housing is provided with a transparent viewing pane (viewing panel, 11), and light sources (back lighting, 95) are disposed behind or in front of the poster (See Figure 14), wherein at least one upper and lower deflection device (floating rollers, 16) is disposed on a housing mount and base frame, at the top and bottom (See Figure 2), and the deflection devices are separated and the poster on the separated deflection devices has a looping angle between 70 degrees and 180 degrees (See Figure 4).

However, Simson fails to disclose that the winding shafts are mounted in front of the deflection devices.

Jones disclose the concept of a winding shaft (roller, 32) mounted in front of a deflection device (roller, 34) on the housing (support, 22) of a display device (display apparatus, 10) (See Figure 1).

From this teaching of Jones, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the winding shafts of Simson to include the positioning of the winding shafts of Jones et al. for the purpose of enabling a more taut grip on the rollable posters by the winding shafts.

As per claim 3, Simson as modified by Jones discloses the above claimed limitations. Simson further discloses the upper deflection device and/or the lower deflection device consists of a shaft (axial spindle, 27) that is mounted in at least two locations (See Figures 2 and 3).

As per claim 5, Simson as modified by Jones discloses the above claimed limitations. Simson further discloses that the upper and lower deflection devices are supported once or multiple times on the housing mount and base frame, by supports (oval slot, 28). (See Figure 3; Column 3 Lines 28-34)

As per claim 9, Simson as modified by Jones discloses the above claimed limitations. Simson further discloses that all of the individual parts for poster holding and poster change are disposed in duplicate (See Figure 2).

6. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simson (5,517,778) in view of Jones et al (6,467,207) as applied to claim 1, and further in view of Simson et al (6,247,256).

As per claims 6 and 7, Simson as modified by Jones discloses an upper and lower winding shaft, but fails to disclose that the upper and lower winding shaft are disposed to be replaceable and disposed multiple times in a changing magazine.

Simson et al. disclose the concept of shafts (rollers, 30 and 31) that are disposed to be replaceable and the concept of shafts that can be disposed multiple times (See Column 2 Lines 62-67).

From this teaching of Simson et al., it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the shafts of the Simson and Jones combination to include the replaceable shafts of Simson et al. for the purpose of ensuring longevity of product performance.

As per claim 8, the Simson as modified by Jones discloses upper and/or lower deflection devices, but fails to disclose counter-elements that act at a slant disposed on the upper and lower deflection device.

Simson et al. disclose the concept of slanted counter-elements (leaf springs, 17 and 18) that are disposed on upper and lower deflection devices (rollers, 30 and 31). (See Figure 1)

From this teaching of Simson et al., it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the upper and lower deflection devices of the Simson and Jones combination to include the slanted counter-elements of Simson et al. for the purpose of facilitating easy removal and replacement of the deflection devices.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ilkka et al. (5,638,625) discloses an information board having information mounted on wind-up rolls. Aiken Sr. (5,410,830) discloses a scrolling sign for menu display unit having a viewing window and scrolling web.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RITA K. SINHA whose telephone number is (571)270-3027. The examiner can normally be reached on M-F 730-500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RKS

/Lesley D. Morris/
Supervisory Patent Examiner, Art Unit 3611